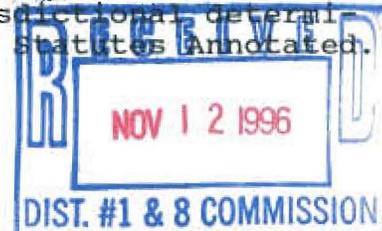


"411"

ACT 250 file number 1-5-48 dated received \_\_\_\_\_  
APPLICATION FOR .[ ] complete [ ] incomplete init. \_\_\_\_\_  
SLATE QUARRY .date completed \_\_\_\_\_  
REGISTRATION .coordinator or clerk signature: 10 V.S.A. Chapter 151.

.....OFFICE USE ONLY.....

Pursuant to 10 V.S.A. §6001 et seq (Act 250), as amended, application is hereby made for registration as a "slate quarry" pursuant to 10 V.S.A. §6001 (25) and 6081(1), and for a final jurisdictional determination under subsection 6007(c) of Title 10 Vermont Statutes Annotated.



**NAMES:**

1. Applicant(s) Name: **Newmont Slate Co., Inc.**  
Address: **Rt 149, Box 625**  
**West Pawlet VT 05775**

Phone: (802) 645-0203

Legal form: [ ] individual [ ] partnership (attach list of partners)  
[ X ] corporation: date formed: place formed: **Pawlet, VT**  
date reg. in Vt: **08/24/94** [ ] municipal gov't [ ] state gov't  
Legal interest in land: [ ] ownership in fee simple [ ] lease agmt  
[ ] contract to purchase [ ] other:

2. Landowner(s) Name: **Charles J. Hudy & John M. Williams**  
Address: **Rt 149, Box 625**  
**West Pawlet VT 05775**

Phone: (802) 645-0203

3. Mineral Rights Owner Name: **Charles J. Hudy & John M. Williams**  
Address: **Rt 149, Box 625**  
**West Pawlet VT 05775**

Phone: (802) 645-0203

4. Leasehold Rights Owner Name: **N/A**  
Address:

Phone:

5. Contact Person: **Charles J. Hudy & John M. Williams**  
Address: **Rt 149, Box 625**  
**West Pawlet VT 05775**

Phone: (802) 645-0203

**LAND:**

6. Total acres owned or controlled by applicant and landowner at project site: **42.82**

7. Deed(s): Grantee's name as recorded: **Hudy, Charles, J. & Williams, John, M.**  
Recorded in book(s) **58** page(s) **102-4**  
on date(s) **07/06/95**  
Town **Pawlet** County **Rutland**

**QUARRY DESCRIPTION:**

8. Applicant represents that dimensional stone (Note 1) was commercially extracted from this hole on or prior to June 1, 1970 as follows: **Raymond Jones extracted dimensional stone during the 1950's for Rising & Nelson Slate Co., Inc.**

Quarry Hole #1:

9. Federal Mine Identification Number (Note 2): **4300020**
10. Mine Name: **Newmont Slate Co. Inc. (Hill Quarry)**
11. Directions to the Mine (mileage - direction from nearest town, city, and landmark). Note: Submit tax map, aerial photo, sketch or site plan to show quarry hole location. **See map.**
12. Mine Location Address (city, county, state, zip code): **West Pawlet, Rutland County, Vermont 05775**
13. Commodity (type of slate product to be extracted): **Slate roofing shingles, tile, flag stone (stepping stones).**
14. Existing on-site operations:

Describe existing buildings (square footage, purpose, location shown on sketch) which are or were located on the premises prior to April 1, 1995.

**None**

If a building has been constructed on the tract since April 1, 1995, please contact the District Coordinator to determine whether an Act 250 permit is required.

Quarry Hole #2: (See Note 3)

15. Checklist of required documentation to be submitted with this application:
- [ **X** ] Identity and Location of Quarry Hole(s) (tax map, aerial photo, **site plan** or sketch).
- [ **X** ] Current list of names and addresses of all adjoining property owners (Note 4) whose fee simple ownership of property shares a property boundary with the quarry tract or whose lands are adjacent and separated only by a river, stream, or public highway.

**SIGNATURES:**

16. I hereby swear that the information provided above or attached to this registration is true and accurate to the best of my knowledge.

Signature of applicant(s): *Charles J. Hudry*  
*John M. Williams* Date: 11/08/96

17. I hereby authorize the processing of this application for the above project on land(s) that I own control, or have significant property interest in.

Signature of landowner(s): \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRIBUTION:**

18. Submit the original and four copies to the District Coordinator.

19. Submit additional copies to the Municipality, Municipal Planning Commission, Regional Planning Commission, and to any adjoining municipalities and planning commissions.

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Note 1: "Dimensional Stone" refers to slate that is processed into regularly shaped blocks according to specifications.

Note 2: Contact U.S. Dept. of Labor and Mine Safety and Health Administration Phone (518) 436-8970/

Note 3: For additional holes on the same tract, identify the hole(s) on the maps, photos and/or sketch provided in #11 above.

Note 4: Abutting owners may only object to issues relating to pre-existing use and registration. If a particular quarry hole is contested, registration may proceed with uncontested quarry holes located on the same parcel.

Approved by the Board on November 29, 1995

f:\users\joe\newmont\quarry4.app

Newmont Slate Co., Inc. - "Hill Quarry," Pawlet

Current list of adjoining property owners

Mr. & Mrs. Lawrence Beecher  
RR 1  
West Pawlet VT 05775

Estate of Winifred Lyng  
c/o Robert Lyng  
Box 33  
West Pawlet VT 05775

Mrs. Helen Nelson  
Box 68  
West Pawlet VT 05775

Bessie Cook  
Box 191  
West Pawlet VT 05775

Mr. & Mrs. John Jamieson  
Box 103  
West Pawlet Vt 05775

Estate of Annie McGuire  
RR 1  
West Pawlet VT 05775

Mr. Rodney Park  
Box 102  
West Pawlet VT 05775

Mr. & Mrs. James Cramer  
RR 1  
West Pawlet VT 05775

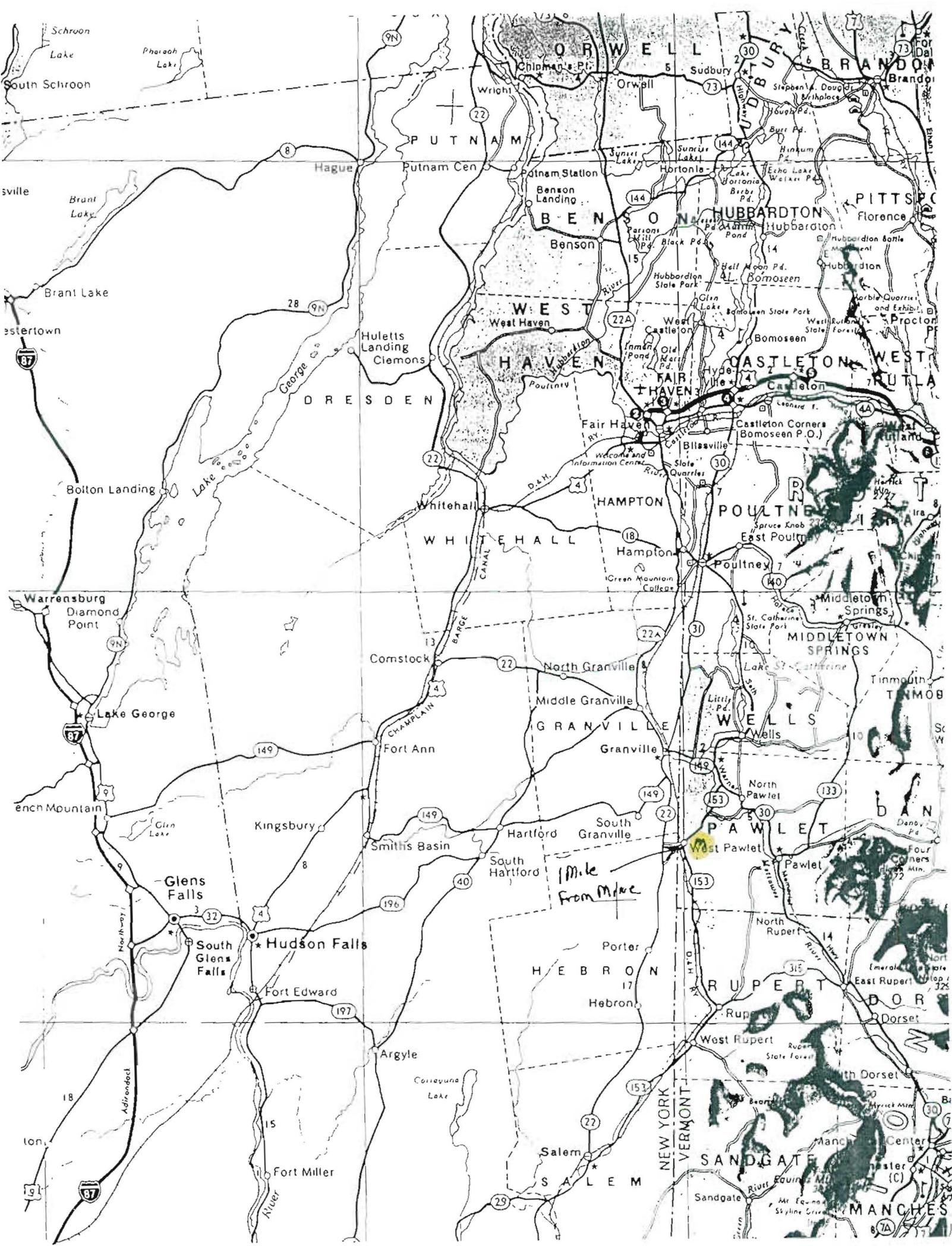
Mr. & Mrs. Eugene Clark  
Box 132  
West Pawlet VT 05775

Mr. & Mrs. Bruce Cramer  
Box 128  
West Pawlet Vt 05775

Mr. Hartwell King  
RR 1  
West Pawlet VT 05775

Mr. Philip Dalton  
Box 176  
West Pawlet VT 05775

Francis Streeter  
West Pawlet VT 05775



*1 mile  
from Mike*

NEW YORK  
VERMONT





**STATE OF VERMONT**

District #1 & 8 Environmental Commission  
440 Asa Bloomer State Office Building  
Rutland, VT 05701-5903  
Telephone: (802) 786-5920  
March 13, 1997

Charles J. Hudy  
John M. Williams  
Newmont Slate Company, Inc.  
Route 149, Box 625  
West Pawlet, VT 05775

Dear Messrs. Hudy and Williams:

Subject: Application #1-S-48

A copy of the notice for the above application was sent to Francis Streeter, West Pawlet, VT 05775, and returned to this office due to an incorrect address.

It is the applicant's responsibility to provide the District Environmental Commission Office with a list of abutters and their current mailing addresses. All abutters must be legally notified regarding the Act 250 process. If an abutter is not properly noticed, any permit that is issued may be voided.

To avoid lengthy delays in re-noticing the hearing, or minor application, please call us immediately with the correct name and address.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joyce Eagan", with a long horizontal flourish extending to the right.

Joyce Eagan  
Administrative Secretary

cc: Application #1-S-48 File

# Newmont Slate Co., Inc.

OFFICE:  
(802) 645-0203  
FAX:  
(802) 645-0851

ROUTE 149, WEST PAWLET, VERMONT 05775

QUARRY SITES:  
South Poultney, VT  
(802) 287-5733  
West Pawlet, VT  
(802) 645-0203



March 15, 1997

Dear Leslie

We have received a letter from Joyce Lagan, Administrative Secretary informing us that Francis Streeter's address was incorrect.

We were given the address by the Town of Pawlet Tax Office.

Upon enquiries in West Pawlet, we found out that Francis Streeter owns the home but his mailing address is:

Francis Streeter  
31 Middlewood Drive  
Williston, Vermont 05495

Sincerely  
Newmont Slate Co. Inc.  
Charles Rudy Pres  
John M. Williams Vice Pres



VERMONT  
GREY-BLACK

Quarries located in South Poultney & West Pawlet, Vermont



GREENS



**STATE OF VERMONT**  
Districts #1 & 8 Environmental Commissions  
440 Asa Bloomer State Office Building  
Rutland, VT 05701-5903  
Tel: (802)786-5920  
Fax: (802)786-5915  
February 27, 1997

Charles J. Hudy  
John M. Williams  
Newmont Slate Company, Inc.  
Route 149, Box 625  
West Pawlet, Vermont 05775

**Subject: Jurisdictional Opinion #1-S-48; One Slate Quarry Hole and No Buildings on a ±42.82 Acre Tract Located South of Route 153 in the Town of West Pawlet, Vermont**

Dear Charles J. Hudy and John M. Williams:

Pursuant to 10 V.S.A. §§6001(25), 6007(c), 6081(j), and 6081(l)(1), you submitted a slate quarry registration application and request for an Act 250 jurisdictional opinion on November 8, 1996.

**I. Background**

In 1993, the Vermont Legislature enacted new legislation (H.871§ 37 entitled "Slate Quarry Regulatory Review") which served to provide a temporary exemption from Act 250 for substantial or material changes to existing slate quarries provided that such changes were not "extreme changes" under the statute. See § 37 of H.871 supra.

In 1995, the Vermont Legislature enacted Act 30, adding subsections (j) through (l) to 10 V.S.A. § 6081 (Permits required; exemptions) of the Act 250 statute ("Act 30"). Among other things, Act 30 established a slate quarry registration program whereby quarries which are properly registered are deemed to be active (not abandoned) and exempt from Act 250 for enumerated "ancillary activities" (i.e. "Drilling, crushing, grinding, sizing, washing, drying, sawing and cutting stone, blasting, trimming, punching, splitting and gauging, and use of buildings and use and construction of equipment exclusively to carry out the above activities. Buildings that existed on

April 1, 1995, or any replacements to those buildings, shall be considered ancillary.”  
10 V.S.A. § 6081 (k)(1).

The Act, effective April 13, 1995, further provided that the amendments to section 6081 of Act 250 shall be retroactive to June 1, 1970. Act 30, § 4.

## II. Summary of Opinion

Having completed my review of your registration form (with enclosures), I conclude that the subject quarry hole constitute a preexisting development, is not abandoned, and is not currently subject to a requirement for an Act 250 Land Use Permit. Accordingly, no Act 250 permit is currently required for the subject Hill Quarry as described in more detail below.

The construction of a new building or buildings, or the opening up of a new quarry hole will require a land use permit under 10 V.S.A. §6001 et seq (Act 250).

## III. Documents and Facts

In forming this opinion, I relied upon the accuracy of the following factual representations and documents:

1. Slate Quarry Registration form filed by Charles J. Hudy and John M. Williams dated November 8, 1996.
2. A site map showing the location of the quarry.
3. A list of adjoining property owners.
4. An aerial photograph showing one quarry hole.
5. Federal Mine Safety and Health Administration Identification #4300020.

## IV. Conclusions

Based upon the information submitted, I conclude that there is sufficient evidence that the subject quarry hole preexisted Act 250 (June 1, 1970) and is not abandoned. 10 V.S.A. §6081(j). Pursuant to 10 V.S.A. §6081(l)(5), operation of and changes to the subject quarry will not require a land use permit under 10 V.S.A. §6001 et seq (Act 250) provided that the changes do not involve the creation of a new quarry hole or holes or the construction of new buildings on the tract.

Jurisdictional Opinion #1-S-48

February 27, 1997

Page 3

## V. Reconsideration or Appeal

This is a jurisdictional opinion and interested parties may file a request to the District Coordinator, at the address above, to reconsider the opinion, or may file an appeal to the State Environmental Board, pursuant to 10 V.S.A. §6007(c). A jurisdictional opinion of a district coordinator shall be subject to a request for reconsideration or it may be appealed to the board by the applicant, by individuals or entities who may be affected by the outcome of the opinion, or by parties that would be entitled to notice under section 6084, if jurisdiction were determined to exist. **An appeal from a jurisdictional opinion must be filed within 30 days of the mailing of the opinion to the person appealing. Failure to appeal within the prescribed period shall render the jurisdictional opinion the final determination with respect to jurisdiction under this chapter unless the opinion has not been properly served on parties that would be entitled to notice under section 6084, if jurisdiction were determined to exist, and on persons and entities which may be affected by the outcome of the decision, according to the rules of the board.** Any appeal shall be by means of a petition for declaratory ruling, and must be accompanied by a \$25.00 filing fee. The filing should be directed to the Environmental Board, National Life Records Center Building, Drawer 20, Montpelier, Vermont 05620-3201.

## VI. Recordation

This jurisdictional opinion becomes a final determination at the conclusion of the thirty day appeal period explained above. Pursuant to 10 V.S.A. §6081(1)(4) the final determination regarding a slate quarry registration under subsection 6007(c) of this title shall be recorded in the municipal land records by, and at the expense of, the registrant - along with an accurate site plan of the parcel depicting the site specific information contained in the registration documents.

Sincerely,



William T. Burke  
District Coordinator

Enclosure: (1) Certificate of Service

CERTIFICATE OF SERVICE

I, Carmelita L. Brown, hereby certify that I sent a copy of the foregoing Jurisdictional Opinion #1-S-48, on February 27, 1997, by U.S. Mail, postage prepaid, to the following:

Newmont Slate Co., Inc.  
Charles J. Hudy  
John M. Williams  
Rt 149 Box 625  
West Pawlet, VT 05775

Ashley D. Waite  
Town of Pawlet Selectmen  
P.O. Box 117  
Pawlet, VT 05761-0117

Thomas Nelson  
Pawlet Town Planning Commission  
P.O. Box 68  
West Pawlet, VT 05775-0068

Joanne Waite  
Pawlet Town Clerk  
P.O. Box 128  
Pawlet VT 05761-0128

Rutland Regional Commission  
P.O. Box 965  
Rutland, VT 05702

Andrew Raubvogel, Esq.  
Land Use Attorney  
103 South Main Street  
Waterbury, VT 05676

FOR YOUR INFORMATION ONLY

Mike Music  
Supervisory Mine Safety & Health Insp.  
P.O. Box 248  
Glenmont, NY 12077-0248

Laurence Becker  
State Geologist  
Center Building  
103 South Main Street  
Waterbury, VT 05671-0301

Mr. & Mrs. Lawrence Beecher  
RR 1  
West Pawlet, VT 05775

Estate of Winifred Lyng  
% Robert Lyng  
Box 33  
West Pawlet, VT 05775

Helen Nelson  
Box 68  
West Pawlet, VT 05775

Bessie Cook  
Box 191  
West Pawlet, VT 05775

Mr. & Mrs. John Jamieson  
Box 103  
West Pawlet, VT 05775

Estate of Annie McGuire  
RR 1  
West Pawlet, VT 05775

Rodney Park  
Box 102  
West Pawlet, VT 05775

Mr. & Mrs. James Cramer  
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Box 132  
West Pawlet, VT 05775

Mr. & Mrs. Bruce Cramer  
Box 128  
West Pawlet, VT 05775

Hartwell King  
RR 1  
West Pawlet, VT 05775

Philip Dalton  
Box 176  
West Pawlet, VT 05775

Francis Streeter  
West Pawlet, VT 05775

Dated at Rutland, Vermont, this 27th day of February, 1997.

By   
Carmelita L. Brown  
District Office Chief Clerk